

204



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,759	01/14/2000	Michael F. Morganelli	130017-0010	8799
24267	7590	12/03/2004	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			KENDALL, CHUCK O	
			ART UNIT	PAPER NUMBER
			2122	
DATE MAILED: 12/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483,759

Applicant(s)

MORGANELLI ET AL.

Examiner

Chuck Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 06/30/2004.
2. Claims 1 - 12 have been examined.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 06/30/2004 has been considered by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Seidl USPN 5,710,896.

Regarding claim 1, Seidl anticipates a storage medium containing program instructions readable by a computer for detecting and resolving circular flow paths disposed within a flow diagram (Col.11: 14 – 16, for circular path) representing the logical operation of a corresponding application program, the flow diagram formed by interconnecting a plurality of symbolic representations of program objects, the program objects configured to execute associated functions in response to corresponding triggering events, the readable program instructions comprising program instructions for:

establishing a busy indicator at a given program object, the busy indicator signifying whether the given program object is currently executing its associated function (Col.10:60 – 65, also see 11: 11 –14, snap enter event (busy));

in response to the occurrence of the given program object's triggering event, testing the respective busy indicator (Col.11: 13 – 17, see “feedbacks to the user that the connection cannot be made”);

if the busy indicator signifies that the given program object is currently executing, blocking the given program object from re-executing in response to the triggering event (Col.11: 8 – 13, see connection dragged back and locking up and invalid for blocking);

if the busy indicator signifies that the given program object is not currently executing, permitting the given program object to execute in response to the triggering event (Col.11: 18 – 20, see explore other possibilities).

Regarding claim 2, the storage medium of claim 1, wherein the busy indicator is a counter and the program instructions for testing comprise program instructions for:

adjusting the counter (Col.11:35 – 40, see loop) ;

and after the program instructions for adjusting, determining whether the counter exceeds a predetermined threshold, wherein an exceedance of the predetermined threshold signifies that the given program object is currently executing (Col. 14: 1 – 10, see background grid is activated for threshold and test).

Regarding claim 7, the program object version of claim 1, see rationale as previously discussed above.

Regarding claim 8, the program object version of claim 2, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2122

7. Claims 3 – 5 & 9 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidl USPN 5,710,896 as applied in claim 2, in view of Sinha USPN 5,437,029.

Regarding claim 3, Seidl discloses all the claimed limitations as applied in claim 2. Seidl doesn't explicitly disclose initializing the counter to a null value, and wherein the program instructions for adjusting comprise program instructions for incrementing the counter. However, Sinha disclose this feature in a similar configuration (FIG.7, 504 also see associated text). Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Seidl and Sinha because, initializing and incrementing the count would enable a more accurate tracking of the instructions.

Regarding claim 4, Seidl discloses all the claimed limitations as applied in claim 3. Seidl doesn't explicitly disclose after the program instructions for determining whether the counter exceeds a predetermined threshold, decrementing the counter. However, Sinha disclose this feature in a similar configuration (FIG.9, 703 also see associated text). Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Seidl and Sinha because, decrementing the counter when the expected limit would make the program more manageable.

Regarding claim 5, the storage medium of claim 4 Sinha further discloses wherein the program instructions for incrementing the counter increment the counter by 1, the program instructions for decrementing the counter decrement the counter by 1, and the predetermined threshold is 1 (Sinha, FIG.7, 504, and FIG.9, 703).

Regarding claim 9, the program object version of claim 3, see rationale as previously discussed above.

Regarding claim 10, the program object version of claim 4, see rationale as previously discussed above.

Regarding claim 11, the program object version of claim 5, see rationale as previously discussed above.

Allowable Subject Matter

8. Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

“... wherein the given program object includes one or more output properties having corresponding values that may be changed in response to execution of the given program object's associated function and, during execution, the given program object is configured to issue at least one ready event upon changing the values of its one or more output properties and one or more program objects may register for notification of the at least one ready event, further wherein the program instructions for decrementing the counter occur after all of the registered objects have been notified of the given object's at least one ready event...”

Response to Arguments

9. Applicant's arguments filed 06/30/2004 have been fully considered but they are not persuasive.

Argument (1), Applicant argues on page 13 of response dated 6/30/2004 that Seidl doesn't disclose “establishing a busy indicator at a given program object, the busy indicator signifying whether the given program object is currently executing its associated function”.

Response (1), Examiner believes that Seidl does in fact disclose this limitation. As set forth above and as indicated in Seidl in Column 14:17 – 25, shows determining if the mouse button is down (busy) and also making a decision to determine if the tracking

snap is active (executing). Examiner believes this to be equivalent to Applicant's limitations. Also note the action made by the mouse to perform the given actions are inherently being transparently executed on the fly.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2122

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WEI Y. ZHEN
PRIMARY EXAMINER

CK